REMARKS/ARGUMENTS

This case has been carefully reviewed and analyzed in view of the Official Action dated 11 October 2005. Responsive to the objection and rejections made in the Official Action, Claim 1 has been amended to clarify the combination of elements which form the invention of the subject Patent Application and Claims 2, 5, 6, 8 – 22 and 24 – 25 have been amended to clarify the language thereof. Additionally, Claim 23 has been cancelled by this Amendment.

In the Official Action, the Examiner objected to Claim 9 under 37 C.F.R. § 1.75(c), as being in improper form because a multiple dependent claim cannot depend from two different dependent claims.

The Examiner's objection is confusing in that a multiple dependent claim may be dependent upon two or more dependent claims, as long as that dependency is expressed in the alternative, MPEP § 608.01(n). As Claim 9 was dependent upon two dependent claims in a cumulative manner, rather than in the alternative, it was in improper form and the claim has been amended so that it is now dependent upon only Claim 6. Accordingly, the Examiner's objection has been overcome.

In the Official Action, the Examiner rejected Claims 1 – 8, 10 – 22 and 24 – 26 under 35 U.S.C. § 102(b), as being anticipated by Berger, U.S. Patent No. 6,414,694.

Before discussing the prior art relied upon by the Examiner, it is believed beneficial to first briefly review the method of the invention of the subject Patent Application, as now claimed. The invention of the subject Patent Application is directed to a method for on-line outsourcing of customized merchandise containing a personalized logo. In the subject method, a remote customer computer in a network environment is connected to a server to customize a piece of tangible merchandise containing at least a personalized logo and the server outsources production of the tangible merchandise to a supplier. The method includes the step of providing a logo image database at the server. The database stores a plurality of first constituent image parts for each of a plurality of logo images. A portion of the plurality of first constituent image parts for each logo image is combined by the server to define at least one default logo image. The database stores a plurality of first attributes corresponding to the plurality of first constituent images parts representing characteristics of the first constituent image parts. The method includes the step of providing a merchandise image database at the server. The merchandise image database stores a plurality of second constituent image parts corresponding to at least one default merchandise image and a plurality of second attributes corresponding to the plurality of second constituent image parts representing characteristics of the second constituent image parts. The method includes the step of personalizing a preferred logo image on the server by the remote customer computer. The remote customer computer

selects a multiplicity of the first constituent image parts and respective ones of the plurality of first attributes stored in the server's logo image database through the network. Customizing a preferred merchandise image on the server by the remote customer computer is another step of the method. The remote customer computer selects at least one second constituent image part and at least one second attribute stored in the server's merchandise image database through the network. Then, the server generates a customized product image by combining the customized merchandise image and the personalized logo image and the corresponding first and second attributes selected by the remote customer computer. Further, the method includes the server transmitting generated customized product image to a supplier for the production of at least a piece of tangible, customized merchandise according to the customized product image. Thus, by the method of the invention of the subject Patent Application, a user can not only prepare an order for a customized product having a logo thereon, but the logo itself can be "personalized" not only through the selection of attributes, color, size, etc., but also in the actual structure of the logo image, through the selection of the "first constituent image parts", which together define the actual logo. Thus, a user of the method of the invention of the subject Patent Application is able to construct or modify a default logo image by selection of the image parts which make up that logo.

In contradistinction, the Berger reference is directed to a system and method for generating computer displays of customer bag designs wherein an image of the product is combined with a predetermined logo which can only be varied in its attributes. As illustrated in Fig. 1, a server 116 is coupled to a scanner 124 for input of a logo graphic 126 for input thereof and storage in the storage medium 122. Alternately, the graphic image data may be read into the system through an external disk drive 130 to read the data form a floppy disk or CDROM, column 3, lines 30 – 58. As shown in Figs. 7 – 9, the user is able to select the stored graphic of the logo on the database with the various attributes, such as various sizes and colors, by means of the menu 704, column 7, lines 10 – 16. Nowhere does the reference disclose or suggest a method wherein a logo image database stores a plurality of first constituent image parts for each of a plurality of logo images, a portion of the plurality of first constituent image parts for each logo image being combined by the server to define at least one default logo image, as now claimed. In fact, the reference teaches away from such a method step in that an entire logo graphic is digitized and stored with only the attributes thereof being varied for selection by the user through the network.

Therefore, as the Berger et al. reference fails to disclose each and every one of the method steps of the invention of the subject Patent Application, it cannot anticipate that invention. Further, as the reference fails to suggest such a combination of method steps, and in fact teaches away from the method of the

invention of the subject Patent Application, it cannot make obvious that invention either. While it is believed that the dependent claims of the subject Patent Application provide further patentably distinct limitations, they are at least patentably distinct for the same reasons as Claim 1.

For all the foregoing reasons, it is now believed that the subject Patent Application has been placed in condition for allowance, and such action is respectfully requested.

Respectfully submitted,
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Dated: 5 Jan. 2006

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